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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/538,977	RINNE, MIKKO
	<b>Examiner</b>	<b>Art Unit</b>
	Shannon R. Brooks	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 June 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-38 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. _____   | 6) <input type="checkbox"/> Other: _____                          |

*Response to Amendment*

This Action is in response to Applicant's amendment filed on February 5, 2007. **Claims 1-13, 15-38** are pending in the present application. **This Action is made FINAL.**

**Response to Arguments**

1.. Applicant's arguments filed on February 5, 2007 have been fully considered but they are not persuasive.

The argued features, i.e., a method for a communication system for determining by the network and indicating to the communications device whether the direct access mechanism can be provided at a given time, reads upon Suzuki as follows.

Suzuki is discussing that prior to the start of communication using a traffic channel, the mobile is informed of a candidate for traffic channel by the base station. Therefore, Suzuki discloses the limitation of "determining by the communication network and indicating to the communications device whether the direct cell access mechanism can at a given time be provided".

With regards to applicant's argument that Suzuki does not teach a fast "direct cell access mechanism", examiner disagrees. Suzuki discloses that a CPU indicates the selection of the traffic channel of which base station informs the mobile station, a frequency synthesizer supplies a frequency corresponding to the indicated traffic channel to an RF part of the receiver. Therefore, Suzuki discloses "direct cell access". Furthermore, a "fast direct cell access mechanism" is not claimed, only a "direct cell access mechanism", which Suzuki clearly discloses.

With regards to applicant's argument that Suzuki does not teach determining by the communications network (or, base station) and indicating to the communications device whether the direct cell access mechanism can at a given time be provided, the examiner disagrees. Suzuki discloses that if the received signal strength level of interference wave is such that the communication at the traffic channel of which the base station informs the mobile station is possible. Therefore, Suzuki discloses determining by informing (i.e. indicating) by the base station that communication is possible.

In response to applicant's arguments, the limitation "an alternative cell access mechanism" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

With regards to applicant's arguments regarding dependent claims 5-10, examiner disagrees since Suzuki does disclose the argued features.

As a result, the argued features are written such that they read upon the cited references.

2. Concerning dependent claims, Suzuki alone or in combination with secondary references discloses the limitations of the dependent claims, as discussed in the following office action.

3. Concerning any arguments on motivation or combination, the cited references are analogous and motivations are clearly shown in the background of the references. Therefore, all references are combinable.

The argued features read upon the claims as follows.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4, 11-16** are rejected under 35 USC 102(b) as being anticipated by **Suzuki et al. (US Patent 5,903,843)**.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4, and 11-13, and 15-16** are rejected under U.S.C. 102(b) as being anticipated by **Suzuki et al. (US 5903843)**.

Consider Claim 1, Suzuki et al. clearly disclose and teach a method between a communications device (read as mobile device 300-A to 300-N) (Fig. 1 and Col. 3, lines 49-57) and a communications network (read as radio communication system) (Fig. 1, and Col. 3, lines 46-57), which communications network generally provides at least a direct cell access mechanism (read as reduced interference and high radio channel quality in low traffic density) (Col. 2, lines 12-18 and 33-39) and an alternative cell access mechanism (read as a higher capacity and relatively lower quality channel in higher traffic density) (Col. 2, lines 19-33) for the communications device for uplink access to the communications network (read as traffic channel assigned to a mobile) (Col. 2, lines 9-10 and Col. 4, lines 47-59)), wherein the direct cell access mechanism is a mechanism enabling the communications device to directly (based on a channel selection mode with low traffic density where an available channel with a greater CIR threshold value is chosen) (see Abstract and Col. 2, lines 33-39) start sending user data on a traffic channel (Col. 2, lines 4-11), the method comprising: determining by the communications network and indicating to the communications device whether the direct cell access mechanism can at a given time be provided (Col. 5, lines 17-40).

Consider Claim 13, Suzuki et al. clearly disclose and teach a communications device (Fig. 1, Blocks 300-A through 300-N) configured for operation with a communications network (Fig. 1), which communications network generally provides at least a direct cell access mechanism (read as reduced interference and high radio channel quality in low traffic density) (Col. 2, lines 12-18 and 33-39) and an alternative cell access mechanism (read as a higher capacity and relatively lower quality channel in higher traffic density) (Col. 2, lines 19-33) for the communications device for uplink access to the communications network read as traffic channel assigned to a mobile) (Col. 2, lines 9-10 and Col. 4, lines 47-59)), wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start based on a channel selection mode with low traffic density where an available channel with a greater CIR threshold value is chosen) (see Abstract and Col. 2, lines 33-39) sending user data on a traffic channel (Col. 2, lines 4-11), the communications device comprising: means (RF, MCU, 515, SW) (read as RF, Block 309, a processor, Block 305, memory, Block 304) (Fig. 3), and software (read as part of CPU) (Fig. 3) for receiving an

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indication sent by the communications network, the indication indicating to the communications device whether the direct cell access mechanism can at a given time be provided (Col. 5, lines 17-40).

Consider Claim 15, Suzuki et al. clearly disclose and teach a base station of a communications network (Fig. 2), which communications network generally provides at least a direct cell access mechanism (read as reduced interference and high radio channel quality in low traffic density) (Col. 2, lines 12-18 and 33-39) and an alternative cell access mechanism (read as a higher capacity and relatively lower quality channel in higher traffic density) (Col. 2, lines 19-33) for a communications device for uplink access (read as traffic channel assigned to a mobile) (Col. 2, lines 9-10 and Col. 4, lines 47-59) to the communications network, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly (based on a channel selection mode with low traffic density where an available channel with a greater CIR threshold value is chosen) (see Abstract and Col. 2, lines 33-39) start sending user data on a traffic channel (Col. 2, lines 4-11), the base station comprising: means for determining and indicating (Fig. 2, and Col. 4, lines 19-59) to the communications device whether the direct cell access mechanism can at a given time be provided (Col. 5., lines 32-41).

Consider Claim 16, Suzuki et al. clearly disclose and teach a system comprising a communications device (Fig. 1, Blocks 300-A through 300-N) and a communications network (read as radio communication system) (Fig. 1, and Col. 3, lines 46-57), which communications network generally provides at least a direct cell access mechanism read as reduced interference and high radio channel quality in low traffic density) (Col. 2, lines 12-18 and 33-39) and an alternative cell access mechanism read as a higher capacity and relatively lower quality channel in higher traffic density) (Col. 2, lines 19-33) for the communications device for uplink access (read as traffic channel assigned to a mobile) (Col. 2, lines 9-10 and Col. 4, lines 47-59) to the communications network, wherein the direct cell access mechanism read as reduced interference and high radio channel quality in low traffic density) (Col. 2, lines 12-18 and 33-39) is a mechanism enabling the communications device to directly based on a channel selection mode with low traffic density where an available channel with a greater CIR threshold value is chosen) (see

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Abstract and Col. 2, lines 33-39) start sending user data on a traffic channel (Col. 2, lines 4-11), the communications network comprising: means for determining and indicating to the communications device whether the direct cell access mechanism can at a given time be provided; and the communications device comprising: means (RF, MCU, 515, SW) ) (read as RF, Block 210, a processor, Block 204, memory, Block 203) (Fig. 2), and software (read as part of CPU) (Fig. 2) for receiving said indication.

Consider Claim 2, Suzuki et al. clearly disclose and teach a method according to claim 1, wherein in a situation in which the direct cell access can not be provided the method comprises: indicating to the communications device that the alternative cell access mechanism should be used ((Col. 5, lines 17-40)).

Consider Claim 3, Suzuki et al. clearly disclose and teach a method according to claim 2, wherein the alternative cell access mechanism (read as a higher capacity and relatively lower quality channel in higher traffic density) (Col. 2, lines 19-33) comprises using a separate access channel for uplink access (Fig. 9 And Col. 9, lines 48-53).

Consider Claim 4, Suzuki et al. clearly disclose and teach a method according to claim 1, wherein said indicating whether the direct cell access mechanism (read as reduced interference and high radio channel quality in low traffic density) (Col. 2, lines 12-18 and 33-39) can be provided comprises indicating whether the communications device can directly start sending user data on a traffic channel at a high data rate.

Consider Claim 11, Suzuki et al. clearly disclose and teach a method according to claim 7, wherein said message conveys to the communications device a parameter value (CIR) indicating whether the direct cell access mechanism is enabled (Col. 2, lines 33-39) and Fig. 12).

Consider Claim 12, Suzuki et al. clearly disclose and teach a method according to claim 1, wherein the communications network comprises a base station serving a cell of a mobile communications system (Fig. 1, Blocks 200-A through 200-N), and wherein the method comprises: performing traffic and/or radio measurements by the base station (received signal strength level of interference wave) (Col. 4, lines 19-59); and determining by the base station whether the direct cell access mechanism can at

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a given time be provided on the basis of said measurements (Col. 5., lines 32-41).

Consider Claim 14, Suzuki et al. clearly disclose and teach a communications device according to claim 13, wherein the communications device is a mobile hand-held device of a cellular communications network (Fig. 1, Blocks 300-A through 300-N and Col. 3, lines 49-57).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 5 and 6 are rejected under 35 USC 103(a) as being unpatentable over Suzuki et al. (US Patent 5,903,843) in view of Rinne et al. (US Patent 6,993,340 B1).**

Consider Claim 5, Suzuki et al. teach a method, wherein a radio interface (read as air interface) (Fig. 1 and Col. 5, lines 6-8) except that it does not teach wherein a radio interface between the mobile communications device and the base station is layered

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into protocol layers which form a protocol stack, and the traffic channel forms part of a logical traffic channel operating on a data link layer (Layer 2) of the protocol stack.

However, Rinne et al. (US 6993340) teach wherein a radio interface between the mobile communications device and the base station is layered into protocol layers which form a protocol stack, and the traffic channel forms part of a logical traffic channel operating on a data link layer (Layer 2) of the protocol stack (Fig. 5, and Col. 8, lines 49-58).

Therefore, it would have been obvious to one skilled in the art to incorporate the teachings of Rinne into Suzuki to employ a preferable protocol arrangement which implements functionality (Col. 8, lines 49-50).

Consider Claim 6, Suzuki et al. teach a method, wherein said indicating whether the communications device can directly (based on a channel selection mode with low traffic density where an available channel with a greater CIR threshold value is chosen) (see Abstract and Col. 2, lines 33-39) start sending user data on a traffic channel (Col. 2, lines 4-11) except that it does not disclose sending user data on a traffic channel is carried out on a network layer (Layer 3) of the protocol stack.

However, Rinne et al. (US 6993340) teach wherein sending user data on a traffic channel is carried out on a network layer (Layer 3) of the protocol stack (Fig. 5, and Col. 8, lines 49-58).

Therefore, it would have been obvious to one skilled in the art to incorporate the teachings of Rinne into Suzuki to employ a preferable protocol arrangement that implements functionality (Col. 8, lines 49-50).

**Claims 7-10 rejected under 35 USC 103(a) as being unpatentable over Suzuki et al. (US**

**Patent 5,903,843) in view of Elliot (US Patent 6,937,747 B1).**

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Consider Claim 7, Suzuki et al. teach a method, wherein said indicating whether the direct cell access mechanism can be provided except that it does not teach a method wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a broadcast message to a set of communications devices including the communications device of claim 1.

However Elliott teaches a method wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a broadcast message (Col. 2, lines 9-19) to a set of communications devices including the communications device of claim 1.

Therefore, it would have been obvious to one skilled in the art to incorporate the teachings of Elliott into Suzuki in order to disseminate channel access schedules (Col. 2, lines 17-18).

Consider Claim 8, Suzuki et al. a method, except that it does not teach a method wherein said broadcast message contains a parameter value further restricting the set of communications devices.

However, Elliott teaches a method wherein said broadcast message (Col. 2, lines 9-19) contains a parameter value (schedule collision avoidance parameters) (Col. 7, lines 22-41 and Fig. 2) further restricting the set of communications devices.

Therefore, it would have been obvious to one skilled in the art to incorporate the teachings of Elliott into Suzuki in order to aid in harmonizing collision avoidance schedules (Col. 7, lines 33-50)

Consider Claim 9, Suzuki et al. teach a method, wherein said indicating whether the direct cell access mechanism can be provided except that it does not teach a method, wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a multicast message to a limited set of communications devices including the communications device of claim 1.

However, Elliott teaches a method, wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a multicast message (read as disseminate to a small

group of nodes)(Col. 3, lines 61-67) to a limited set of communications devices including the communications device of claim 1.

Therefore, it would have been obvious to one skilled in the art to incorporate the teachings of Elliott into Suzuki in order aid in the dissemination of transmission schedules (Col. 3, lines 61-67).

Consider Claim 10, Suzuki et al. teach a method, wherein said indicating whether the direct cell access mechanism can be provided except that it does not teach wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a point-to-point message to the communications device.

However, Elliott teaches a method wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a point-to-point message (Col. 4, line 2) to the communications device.

Therefore, it would have been obvious to one skilled in the art to incorporate the teachings of Elliott into Suzuki in order to use a reliable point-to-point protocol such as TCP (Col. 4, lines 2-3).

**Claims 17-38 are rejected under 35 USC 103(a) as being unpatentable over Parantainen et al. (WO 02/17668 A1) in view of Verdine (WO 01/86889 A1).**

Consider **claim 17**. Parantainen discloses a communications device configured for operation with a communication network, which communications network generally provides at least a direct cell access mechanism and an alternative cell access mechanism for the communications device for uplink access to communications network, wherein the direct access mechanism is a mechanism enabling the communications device to directly start sending user

data on a traffic channel, the communications (page 5 lines 11-15, line 35 – page 6 line 3) device comprising:

a means for receiving an indication sent by the communications network, the indication indicating to the communications device whether the direct cell access mechanism can at a given time be provided, the communications device being configured to use said direct cell access mechanism in response to receiving said indication (page 5 line 17-28 read as a network control device for controlling an optional provision of fast resource in a network, comprising a transmitting means for transmitting network system information including information as to whether a fast access is supported in the network or not. By transmitting the information message, every mobile station knows immediately whether fast access is supported).

Parantainen discloses the claimed invention except he does not explicitly disclose a receiver.

However, Verdine discloses a receiver (page 8 lines 18-28, read as the telecommunication system provides for the transmission of a first silence descriptor (SID) message by a transmitter to a receiver).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Verdine into the invention of Parantainen in order to notify the receiver (i.e. of the beginning of a silent period) (page 8 lines 18-28).

Consider claim 26. Parantainen discloses an apparatus, wherein the apparatus is configured to provide generally at least a direct cell access mechanism and an alternative cell access mechanism for a communications device for uplink access to a

communications network, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel (page 5 lines 11-15, line 35 – page 6 line 3), the apparatus comprising:

a determination module and a transmitting means for determining and indicating to the communications device whether the direct access mechanism can at a given time be provided (page 5 line 17-28 read as a network control device for controlling an optional provision of fast resource in a network, comprising a transmitting means for transmitting network system information including information as to whether a fast access is supported in the network or not. By transmitting the information message, every mobile station knows immediately whether fast access is supported).

Parantainen discloses the claimed invention except he does not explicitly disclose a transmitter.

However, Verdine discloses a transmitter (page 8 lines 18-28, read as the telecommunication system provides for the transmission of a first silence descriptor (SID) message by a transmitter to a receiver).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Verdine into the invention of Parantainen in order to have a means to notify the receiver (i.e. of the beginning of a silent period) (page 8 lines 18-28).

Consider **claim 18 and as applied to claim 17**. Parantainen and Verdine disclose wherein the communications device is a hand-held device of a cellular communications network (Parantainen; page 9 lines 31-35).

**Consider claim 19 and as applied to claim 17.** Parantainen and Verdine disclose wherein said indicating whether the direct cell access mechanism can be provided comprises indicating whether the communications device can directly start sending user data on a traffic channel at a high data rate (Verdine; page 12 lines 25-28).

**Consider claim 20 and as applied to claim 17.** Parantainen and Verdine disclose wherein a radio interface between the mobile communications device and the communications network is layered into protocol layers which form a protocol stack, and the traffic channel forms part of a logical traffic channel operating on a data link layer (Layer 2) of the protocol stack (Paratainen; page 8 lines 18-21).

**Consider claim 21 and as applied to claim 20.** Parantainen and Verdine disclose wherein said indicating whether the communications device can directly start sending on a traffic channel is carried out on a network layer (Layer 3) of the protocol stack (Paratainen; page 8 lines 18-21).

**Consider claim 22 and as applied to claim 17** Parantainen and Verdine disclose wherein the communications device is configured to receive a broadcast message comprising said indication (page 6 lines 27-31).

**Consider claim 23 and as applied to claim 17.** Parantainen and Verdine disclose wherein the communications device configured to receive a multicast message comprising said indication (page 6 lines 27-31).

**Consider claim 24 and as applied to claim 17.** Parantainen and Verdine disclose wherein the communications device is configured to receive a point-to-point message comprising said indication (page 6 lines 27-31).

**Consider claim 25 and as applied to claim 17.** Parantainen and Verdine disclose wherein the communications device is configured to receive a parameter value indicating whether the direct cell access mechanism is enabled (Parantainen; page 6 lines 9-14).

**Consider claim 27 and as applied to claim 26.** Parantainen and Verdine disclose wherein the apparatus is configured to operate as a base station of the communications network (Parantainen; page 9 lines 31-35).

**Consider claim 28 and as applied to claim 26.** Parantainen and Verdine disclose wherein in a situation in which the direct cell access can not be provided, the apparatus is configured to indicate to the communications device that the alternative cell access mechanism should be used (Parantainen; page 5 line 35 – page 6 line 5).

**Consider claim 29 and as applied to claim 26.** Parantainen and Verdine disclose wherein the alternative cell access mechanism comprises using a separate access channel for uplink access (page 6 lines 5-7).

**Consider claim 30 and as applied to claim 26.** Parantainen and Verdine disclose wherein said indicating whether the direct cell access mechanism can be provided comprises indicating whether the communications device can directly start sending user data on a traffic channel at a high data rate (Verdine; page 12 lines 25-28).

**Consider claim 31 and as applied to claim 26.** Parantainen and Verdine disclose wherein a radio interface between the apparatus and the communications device is layer into protocol layers which from a protocol stack, and the traffic channel forms part of a logical traffic channel operating on a data link layer (Layer 2) of the protocol stack (Paratainen; page 8 lines 18-21).

**Consider claim 32 and as applied to claim 31.** Parantainen and Verdine disclose wherein said indicating whether the communications device can directly start sending on a traffic channel is carried out on a network layer (Layer 3) of the protocol stack (Paratainen; page 8 lines 18-21).

**Consider claim 33 and as applied to claim 26.** Parantainen and Verdine disclose wherein the apparatus is configured to indicate whether the direct cell access mechanism can be provided by transmitting a broadcast message, multicast message or point-to-point message(s) (page 6 lines 27-31).

**Consider claim 34 and as applied to claim 26.** Parantainen and Verdine disclose wherein the apparatus is configured to indicate whether the direct cell access mechanism can be provided by transmitting a broadcast message and wherein said broadcast message contains a parameter value restricting the set of communications devices to which the message is to be transmitted (Parantainen; page 5 line 35 – page 6 line 5).

**Consider claim 35 and as applied to claim 26.** Parantainen and Verdine disclose wherein the apparatus is configured to indicate whether the direct cell access mechanism can be provided by transmitting a message comprising a parameter value indicating whether the direct cell access mechanism is enabled (page 6 lines 9-14).

**Consider claim 36 and as applied to claim 26.** Parantainen and Verdine disclose wherein the apparatus is configured to operate as a base station of the communications network and wherein the apparatus is configured to perform traffic and/or radio measurements and to determine whether the direct cell access mechanism can at a given time be provided on the basis of said measurements (Parantainen; page 8 lines 6-10).

**Claims 37-38 are rejected under 35 USC 103(a) as being unpatentable over Parantainen et al. (WO 02/17668 A1) in view of Suzuki et al. (US Patent 5,903,843).**

Consider **claim 37 and as applied to claim 1**. Suzuki discloses the claimed invention except wherein, in the direct cell access mechanism, the communications network broadcasts that a direct link access to a traffic channel is permitted.

However, Parantainen discloses wherein, in the direct cell access mechanism, the communications network broadcasts that a direct link access to a traffic channel is permitted (page 6 lines 27-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Parantainen into the invention of Suzuki in order for all mobile stations concerned to know immediately whether fast access is supported or not (page 6 lines 27-31).

Consider **claim 38 and as applied to claim 37**. Suzuki and Parantainen disclose wherein, in the alternative cell access mechanism a two step process occurs in which the communications device first requests access to communications network (page 7 lines 24-29).

### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon R. Brooks whose telephone number is (571) 270-1115. The examiner can normally be reached on 7:30a.m. to 5p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shannon Brooks

January 11, 2007

NICK CORSARO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

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